



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,070	03/04/2002	Anders Vinberg	28280.04002	8004

5073 7590 09/01/2006

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER
----------

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,070

Applicant(s)

VINBERG, ANDERS

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-1-06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 8-9 of the remarks, filed June 2, 2006, with respect to the rejection(s) of claim(s) 1-21 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9-14, 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Berg, USPN 5,872,911 (hereafter referred to as Berg).

4. Regarding claim 1, Berg taught a method for reporting an alert condition (abstract), comprising:

defining alert filer criteria (column 3, lines 50-54);

identifying an alert condition (column 3, lines 31-36);

analyzing the alert condition based on the alert filter criteria (column 3, lines 38-54), wherein the analysis comprises;

determining an urgency level associated with the alert condition (column 4, lines 24-47); and

determining a severity level associated with the alert condition (column 3, line 60 - column 4, line 8);

determining whether to report the alert condition based at least in part on the urgency level and the severity level (column 5, lines 24-30); and

selectively reporting the alert condition (column 5, lines 44-54).

5. Regarding dependent claim 2, Berg taught wherein the alert condition is associated with an object (column 3, lines 16-30);

the analysis further comprises determining an importance level associated with the object (column 4, lines 9-14); and

the determination of whether to report the alert condition is based at least in part on the importance level (column 3, lines 11-15).

6. Regarding dependent claim 3, Berg taught identifying an alert condition comprises identifying a potential alert condition (column 7, lines 18-26; column 9, lines 15-22).

7. Regarding dependent claim 4, Berg taught the analysis further comprises

determining a level of risk associated with the alert condition (column 5, lines 31-43); and

the determination of whether to report the alert condition is based at least in part on the level of risk (column 5, lines 44-50).

8. Regarding dependent claim 5, Berg taught the method further comprising analyzing a property representing an interest group associated with the alert condition (column 3, lines 55-59).

9. Regarding dependent claim 6, Berg taught the method further comprising analyzing a property representing a business process associated with the alert condition (column 2, line 61 - column 3, line 10).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg in view of Xia, USPN 6, 154,849 (hereafter referred to as Xia).

12. Regarding dependent claim 7, Berg taught wherein identifying an alert condition:  
identifying a first object representing a first system component associated with the alert condition (column 3, lines 55-59);

identifying a second object representing a second system component having a dependency relationship to the first system component (column 3, lines 55-59; column 4, lines 23-33).

Berg does not specifically teach propagating a property of the second object to the first object. However, Xia taught propagating a property of the second object to the first object (column 9, lines 46-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Xia's dependency relationships in Smith's system for filtering events would have allowed greater flexibility in diagnosing and handling resource failures. The motivation would have been to provide a network policy that includes considering dependencies in event handling.

13. Regarding dependent claim 8, Berg taught wherein identifying an alert condition:  
identifying a first object representing a first system component associated with the alert condition (column 3, lines 55-59);

identifying a second object representing a second system component having a containment relationship to the first system component (column 3, lines 55-59; column 5, lines 1-7).

Berg does not specifically teach propagating a property of the second object to the first object. However, Xia taught propagating a property of the second object to the first object (column 9, lines 46-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Xia's dependency relationships in Smith's system for filtering events would have allowed greater flexibility in diagnosing and handling resource failures. The motivation would have been to provide a network policy that includes considering dependencies in event handling.

14. The language of claims 9-21 is substantially the same as previously rejected claim 1-8, above. Therefore, claims 9-21 are rejected on the same rationale as

previously rejected claims 1-8, above.

***Conclusion***

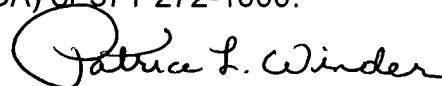
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Ronnen, USPN 5,699,403: taught provides an electronic risk processing module that generates direct and indirect risk signals based upon the abnormal condition signals, the external condition signal, and stored reference data.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Patrice L. Winder". The signature is written in a cursive style with a large, looped initial "P".

Patrice Winder  
Primary Examiner  
Art Unit 2145

August 25, 2006